

United States District Court

NORTHERN DISTRICT OF WEST VIRGINIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

The location to be searched is a law office known as McAteer & Associates, Attorney at Law, 132 West German Street, Shepherdstown, WV 25443. McAteer & Associates Attorney at Law is a two story townhome with red window shutters. It is identifiable by a sign that reads "McAteer & Associates, PLLC, Attorney at Law".

SEARCH WARRANT

CASE NUMBER:

3:12 MJ 4

TO: Special Agent Kenneth Omar Colón and any Authorized Officer of the United StatesAffidavit(s) having been made before me by Special Agent Kenneth Omar Colón who has reason to

Affiant

believe that / / on the person of or /X / on the property or premises known as (name, description and/or location)

The location to be searched is a law office known as McAteer & Associates, Attorney at Law, 132 West German Street, Shepherdstown, WV 25443. McAteer & Associates Attorney at Law is a two story townhome with red window shutters. It is identifiable by a sign that reads "McAteer & Associates, PLLC, Attorney at Law".

in the Northern District of West Virginia there is now concealed a certain person or property, namely (describe the person or property)

SEE ATTACHED LIST OF ITEMS TO BE SEIZED

I am satisfied that the affidavit(s) and any recorded testimony established probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before (give them 10 days from current date)

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making this search (in the daytime --- 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to _____ as required by law

U.S. Judge or Magistrate

February 13, 2012 at

Date

City and State

[Signature]

Name and Title of Judicial Officer

[Signature]

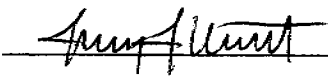
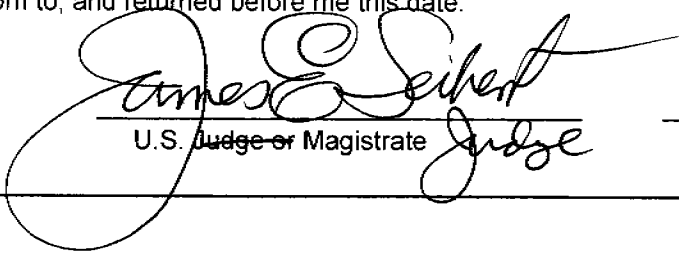
Signature of Judicial Officer

U.S. DISTRICT COURT
FILED AT WHEELING, WV

FEB 21 2012

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

AO 93 (Rev. 8/98) Search Warrant (Reverse)

RETURN		CASE NUMBER:
Date Warrant Received <i>2/13/12</i>	Date and Time Warrant Executed <i>2/16/12 9:30 a.m.</i>	Copy of Warrant and Receipt for Items Left with <i>J. Davitt McAttee</i>
Inventory Made in the Presence of <i>J. Davitt McAttee</i>		
Inventory of Person or Property Taken Pursuant to the Warrant <i>See Attached</i>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
<div style="text-align: center;">  _____ </div>		
Subscribed, sworn to, and returned before me this date.		
<div style="text-align: center;">  _____ U.S. Judge or Magistrate </div>		<div style="text-align: center;"> <i>2/21/12</i> _____ Date </div>

ATTACHMENT B3

ITEMS TO BE SEIZED

at

McAteer & Associates, Attorney at Law

The term “records” and “information” include, but are not limited to, those records in paper and digital or electronic format stored on computer systems, computer networks, computer network servers, computer storage devices such as external hard drives either connected or disconnected to a computer, laptop computers, mobile devices including but not limited to iPads (or similar devices), “smart phones” and other types of mobile devices capable of being used to store and share electronic information and communications, computer tapes such as those used for backing up or archiving on-line computer records, and any records to which a computer systems or network administrator would normally have immediate access. It is the intent is to do mirror images of the computers and servers on-site. If, upon arriving at the scene, the agents executing the search conclude that it would be impractical to do mirror images of the computers and servers on-site, the agents will seize the computer hardware (and associated peripherals) that are believed to contain some or all of the evidence described in the warrant, and make mirror images and/or copies of the computer hard drives at on off-site location.

Records of expenses submitted to WJU

Imaging of computers including any and all desktop computers whether stand alone or networked, laptop computers, external hard drives and or mobile devices found in the search premises particularly but not necessarily limited to those utilized by Davitt McAteer and Deborah Roberts

2005-2011 Calendars (paper and electronic format)

Billing invoices of McAteer and Associates from 2005 – 2011

Contracts for work with WJU

Contracts for work with the West Virginia government

Employment contract(s) of Deborah Roberts with WJU

Employment contract(s) of Deborah Roberts with Davitt McAteer and/or McAteer and Associates from 2005-2011

Lease agreement(s) for McAteer and Associates office space from 2005 – 2011

Any documents reflecting invoices to WJU and/or the SPO for expenses, to include office space leases dating from 2005-2011

Resumes of Davitt McAteer and Deborah Roberts

Time cards, time records and all records of compensation of Davitt McAteer and Deborah Roberts for work with WJU, SPO, and/or McAteer and Associates

Any files, data, and/or records relating to outside contracts and/or agreements for rent space of the NTTC and the CET.

Any and all records related to documenting how WJU treated the F&A expenses and the expenses from Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky and the Combined Management Cost Service center.

Any and all records relating to work done concerning the Sago Mine Disaster, the records should include but not be limited to any records relating to the investigation and production of the report titled: The Sago Mine Disaster, dated: July, 2006. The records provided should also include any records regarding financial documents, travel expenses; time cards; interview notes.

Any and all records relating to work done concerning the Aracoma Alma Mine Disaster, the records should include but not be limited to any records relating to the investigation and production of the report titled: The Fire at Aracoma Alma Mine #1, dated: November, 2006. The records provided should also include any records regarding financial documents, travel expenses; time cards; interview notes.

Any and all records relating to work done concerning the Upper Big Branch Mine Disaster, the records should include but not be limited to any records relating to the investigation and production of the report titled: Upper Big Branch, April 5, 2010, explosion: a failure of basic coal mine safety practices, dated: May, 2011. The records provided should also include any records regarding financial documents, travel expenses; time cards; interview notes.